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VIA ECF

Magistrate Judge Michael H. Dolinger
United States District Judge
Southern District of New York
500 Pearl Street, Rm 1670
New York, New York 10007-1312

Re: Lindner v. CSO Newell, et al.
Index No.: 11-cv-8365 (AJN)(MHD)

Dear Judge Dolinger,

This firm represents CSOs Newell and Muschitiello and Akal Security, Inc. (collectively, the "CSO Defendants") in connection with the above-referenced action.

We write to oppose Mr. Lindner's November 29, 2012 request for a Pretrial Conference under Federal Rule of Civil Procedure 16 (Dkt. 79). Mr. Lindner desires this conference to "facilitate discovery and scheduling and out-of-court settlements" (p.2) and "get immediate subpoena power" (p.3) to subpoena various witnesses, as outlined in his submission.¹

As your honor is aware, our Motion to Dismiss—along with that of the Federal Defendants—is pending resolution. Your honor instructed Mr. Lindner on July 20, 2012 that discovery is stayed pending resolution of the defendants' motion to dismiss. *See* Dkt. 44. Accordingly, such a conference would be premature at this time.

Thank you for your consideration.

Respectfully submitted,



Jennie Woltz

CC: Kurt Peterson, Esq. (via e-mail only)
Peter Lindner (via email)
Chris B. Harwood, Esq. (via email)
Peter T. Barbur, Esq. (via email)

¹ Mr. Linder also seeks to add as additional defendants various unidentified individuals who have no apparent connection to the underlying matter (p. 4).